

AFFIDAVIT OF WILLIAM D. MERKLIN, P.E.

COUNTY OF NASSAU)
 SS:
STATE OF NEW YORK)

William D. Merklin, being duly sworn, deposes and says:

1. I am the Vice President of Dvirka and Bartilucci Consulting Engineers ("D&B"), Division of Water Supply. At all relevant times after May of 1995, I was employed by D&B.
2. I am a licensed engineer in the State of New York.
3. At all times since my hiring at D&B in 1995, D&B has provided engineering services to the Bowling Green Water District. This relationship continues to this date. I am personally familiar with the water supply system at the Bowling Green Water District.
4. While employed at D&B, I had involvement in the observation of the construction of the remedial system at the Bowling Green Water District in 1995. This remedial system was necessary to remove various Volatile Organic Compounds from the public drinking water supply. My involvement included observation of the construction of the remedial air stripper tower and the connection of the then existing granulated activated carbon system to the treatment system.
5. The treatment system installed in 1995 consisted of a thirty foot tower called an air stripper. At the Bowling Green Water District, potentially contaminated water is initially treated in the air stripper tower. The water is then pumped through the granulated activated carbon system for "polishing". Polishing is the final removal of any contamination that is not removed in the air stripper tower.

6. The air stripper tower was built in the Summer of 1995. The first physical on-site activity associated with the air stripper tower that I am aware of, occurred on June 12-13 of 1995. At that time, D&B hired Warren George, Inc. ("WGI") to drill three soil borings at the Bowling Green Water District well field.

7. These soil borings were done with a large drilling truck, similar to the type of equipment which would be used to drill a household well. Between June 12-13, 1995, this rig drilled three borings. These borings were four inches in diameter and went down thirty two feet below the ground surface. These borings were done directly below the area that the concrete slab for the air stripper tower was to be erected. The purpose of the borings was to determine the soil conditions below the proposed area for the concrete slab on which the air stripper tower was to be erected.

8. The results of the soil borings were incorporated into a report by WGI. The WGI report was forwarded to D&B on June 14, 1995 and was maintained by D&B as a business record. A true and accurate copy of the WGI report is appended to this affidavit. The report specifically confirms that the work was done between June 12-13, 1995.

9. As with all construction projects in Long Island, these soil borings were a necessary first step. Taking soil borings at the Bowling Green Water District was a necessary physical on-site activity.

10. Once the air stripper tower was put into service, the granulated activated carbon system was incorporated into the remedial system for purposes of polishing the water and removing any contamination not removed by the air stripper tower.

11. This system is still in use at the Bowling Green Water District to this date.

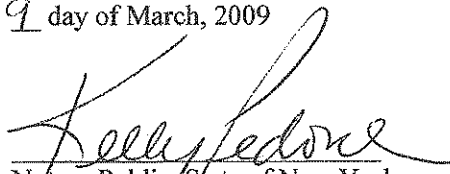
12. By letter dated July 7, 1995, Region Associates, Inc. was directed to commence excavation work and pouring of the slab for the air stripper tower on July 11, 1995. This was done by letter from Daniel Davis at the Town of Hempstead Water Department to Region Associates, Inc. D&B was copied on this letter. A true and accurate copy of the letter is attached hereto. At all relevant times, this letter was in the files of D&B as a business record.

13. The Slab was constructed directly over the location in which the soil boring were done by WGI on June 12-13, 1995.

Dated March 9, 2009
Woodbury, New York


William D. Merklin

Sworn and subscribed before me this
9 day of March, 2009


Notary Public, State of New York

KELLY PEDONE
Notary Public, State of New York
No. 01PE5030019
Qualified in Nassau County 10
Commission Expires July 5, 20__

JOB LOCATION: BOWLING GREEN		 WGI Warren George Inc. SUBSURFACE EXPLORATION		SHEET <u>1</u> of <u>1</u> LOCATION <u>HEMPSTEAD, L.I.</u> HOLE NO. <u>B-1</u> LINE & STA _____ OFFSET _____	
L.95191		FOR: DVIRKA & BARTILUCCI			
DATE CASING OUT: _____		DATE CASE _____ 6-12-95		GROUND ELEVATION _____	
DATE CASING OUT DATE _____		DATE CASE _____ 6-12-95		GROUND WATER ELEVATION _____	
CASING 4" _____		WEIGHT OF HAMMER 300-140 LBS		HAMMER FALL _____	
SAMPLER 2" _____		INSIDE LENGTH OF SAMPLER 24 IN		CASING 24" SAMPLER 30"	
DIAMOND BIT SIZE _____					

CASING BLOWS PER FOOT	SAMPLE NUMBER	SAMPLE DEPTHS ELEV. / FEET	SAMPLE RECOVERY	BLOWS PER 6 ON SAMPLER				DENSITY OR CONSIST. MOISTURE	PROFILE CHANGE DEPTH	FIELD IDENTIFICATION OF SOIL
				0-6	6-12	12-18	18-24			
	1	6"-2'6"		17	31	21	18		0' - 6"	BLACKTOP AND GRAVEL
	2	5'-7'		3	27	39	57		6'	BLACK BROWN SAND, GRAVEL
	3	10'-12'		27	31	43	32			
	4	15'-17'		24	32	35	39			BROWN SAND, GRAVEL
	5	20'-22'		36	40	41	46			
	6	25'-27'		26	32	29	35			
	7	30'-32'		21	27	43	49		32'	END OF HOLE 32'

Job Engineer: _____	Checker: ERNEST THOMAS
Drawing Inspector: _____	Helper: DESMOND WILLIAMS

TOP AIRON BOWLING GREEN L.95191	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> WGI Warren George Inc. <hr/> SUBSURFACE EXPLORATION </div>	SHEET <u>1</u> OF <u>1</u> LOCATION <u>HEMPSTEAD, L.I.</u> HOLE NO. <u>B-2</u> LINE & SEA _____ OFFSET _____
FOR DVIRKA & BARTILUCCI		

DATE START <u>6-13-95</u> DATE FINISH <u>6-13-95</u>	GROUND ELEVATION _____ GROUND WATER ELEVATION _____
CASING ID <u>4"</u> SAMPLER ID <u>2"</u> STANDARD SIZE _____	WEIGHT OF HAMMER <u>300-140</u> INSIDE LENGTH OF SAMPLER <u>24</u>
HAMMER FALL CASING <u>24"</u> SAMPLER <u>30"</u>	

CASING BLOWS PER FOOT	SAMPLE NUMBER	SAMPLE DEPTHS ELEV. / FEET	SAMPLE RECOVERY	BLOWS PER 6 ON SAMPLER				DENSITY OR CONSIST. MOISTURE	PROFILE CHANGE DEPTH	FIELD IDENTIFICATION OF SOIL
				0 - 6	6 - 12	12 - 18	18 - 24			
0	1	0'-2'		7	5	11	12		0'-	FILL
	2	5'-7'		7	9	11	10		5'	
10	3	10'-12'		23	31	34	34			LIGHT BROWN SAND, GRAVEL
	4	15'-17'		39	61	42	39			
20	5	20'-22'		12	27	29	31		24'	RED BROWN SAND, GRAVEL
	6	25'-27'		31	29	32	38		28'	
30	7	30'-32'		29	37	49	67		32'	BROWN SAND, MEDIUM FINE
										END OF HOLE 32'
40										

Soil Engineer _____ Driller ERNEST THOMAS
 Logging Inspector _____ Helper DESMOND WILLIAMS

JOB LOCATION BOWLING GREEN L. 95191	 WGI Warren George Inc. SUBSURFACE EXPLORATION	SHEET <u>1</u> of <u>1</u> LOCATION <u>HEMPSTEAD, L.I.</u> HOLE NO. <u>B-3</u> LINE & STA _____ OFFSET _____
FOR DVIRKA & BARTILUCCI		

DEPTH _____ DATE START <u>6-12-95</u> DATE FINISH <u>6-12-95</u>	GROUND ELEVATION _____ GROUND WATER ELEVATION _____
CASING O.D. <u>4"</u> ID _____ SAMPLER O.D. <u>2"</u> ID _____ DIAMOND BIT SIZE _____	WEIGHT OF HAMMER <u>300-140</u> LBS. INSIDE LENGTH OF SAMPLER <u>24</u> IN. HAMMER FALL _____ CASING <u>24"</u> SAMPLER <u>30"</u>

	CASING BLOWS PER FOOT	SAMPLE NUMBER	SAMPLE DEPTHS ELEV. / FEET	SAMPLE RECOVERY	BLOWS PER 6" ON SAMPLER				DENSITY OR CONSIST. MOISTURE	PROFILE CHANGE DEPTH	FIELD IDENTIFICATION OF SOIL
					0 - 6	6 - 12	12 - 18	18 - 24			
0		1	6"-2'6"		19	11	15	13		0' - 6"	BLACKTOP
		2	5'-7'		17	39	42	47		7'	BLACK BROWN SAND, GRAVEL
10		3	10'-12'		17	22	28	28			REDDISH BROWN SAND, GRAVEL
		4	15'-17'		22	21	37	33		17'	
20		5	20'-22'		19	23	21	27			LIGHT BROWN SAND, GRAVEL
		6	25'-27'		32	57	51	49		27'	BROWN SAND MEDIUM FINE, TRACES OF LITTLE GRAVEL
30		7	30'-32'		61	82	76	89		32'	END OF HOLE 32'
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Soil Engineer _____ Drilling Inspector _____	Driller: <u>ERNEST THOAMS</u> Helper: <u>DESMOND WILLIAMS</u>
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COUNCIL MEMBERS
PATRICK A. ZAGARINO
JOSEPH J. KEARNEY
CURTIS E. FISHER
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BRUCE A. BLAKEMAN
JOSEPH J. RA

DANIEL M. FISHER, JR.
TOWN CLERK
ANGIE M. CULLIN
RECEIVER OF TAXES
DANIEL DAVIS, P.E.
COMMISSIONER

TOWN OF HEMPSTEAD
DEPARTMENT
OF
WATER

1995 PROSPECT AVENUE, EAST MEADOW, N.Y. 11554-3100
(516) 794-8300
FAX# (516) 794-1355



GREGORY P. PETERSON
PRESIDENT SUPERVISOR
RICHARD V. GUARDINO, JR.
SUPERVISOR

July 7, 1995

Region Associates, Inc.
50 Park Avenue
Bay Shore, NY 11706

ATT: C. Chapman, President

Re: Packed Tower Aeration System at
Bowling Green Estates Water District
Wells 1 and 2, General Construction
PW 35-95

Dear Sir:

Please be advised that award of the above referenced contract has been recommended to your company in the amount of \$118,900.00. The Hempstead Town Board will act on award of contract on 7/11/95.

You are requested to obtain your Performance Bond, Labor and Materials Bond, Certificate of Workmen's Compensation and Certificates of Insurance, such that you will be able to sign contract documents as soon as possible after 7/11/95.

In the interim, because of the urgency of this project to protect the public water supply of the Bowling Green Estates Water District you are hereby directed to commence work on 7/11/95.

Please call if you have any questions.

Very truly yours,

Daniel Davis, P.E.
Commissioner

DD:tp

cc: R. Burns, Dvirka & Bartilucci ✓